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C O N F I D E N T I A L SECTION 01 OF 03 KIEV 001021

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TAGS: [PREL](#) [PBTS](#) [MD](#) [UP](#) [OSCE](#)

SUBJECT: UKRAINE/MOLDOVA/TRANSNISTRIA: EUR DAS KRAMER

SUPPORTS UKRAINE-MOLDOVA CUSTOMS PROTOCOL IMPLEMENTATION

Classified By: Charge d'Affaires, a.i., for reasons 1.4 (b,d).

1. (C) Summary: During March 13 meetings in Kiev, EUR DAS David Kramer praised the Ukrainian government's decision to implement a customs protocol to control the flow of goods across its border with Moldova/Transnistria. Drawing on reftel, Kramer told PM Yuri Yekhanurov, Deputy Minister of Defense Leonid Polyakov, MFA 2nd Territorial Department Director Anatoliy Ponomarenko, and journalism students and media representatives at Kiev-Mohyla Academy that the customs protocol implementation could motivate Transnistrian authorities to engage meaningfully in the five-plus-two Transnistria settlement process. Kramer told Ponomarenko he had protested Russia's unhelpful stance March 10 in a meeting with Russian Ambassador to the U.S. Ushakov and said our Embassy would reinforce the message in Moscow. Ponomarenko expressed concern that the Transnistrian authorities were preparing to wait out the Ukrainians until after the March 26 Ukrainian parliamentary elections in the hope that the next Cabinet would reverse the customs protocol implementation. He took Kramer's point that a special five-plus-two session should not be convened to discuss the customs protocol, since such a meeting would unnecessarily elevate a bilateral matter and five-plus-two delegates were not the experts needed to consider the relevant technical issues. Separately, opposition Party of Regions foreign policy adviser Leonid Kozhara argued that export permits and stamps were not a usual trade practice and Ukraine should not need to enforce an extraordinary Moldovan requirement; Kramer said the measure was necessary to control contraband. Embassy released a statement on Kramer's visit expressing U.S. support for implementation of the customs protocol. End summary.

Prime Minister's Views

2. (C) DAS Kramer raised with PM Yekhanurov the Ukrainian government's recent actions on the border with Transnistria. Kramer underscored USG appreciation for the customs agreement between Ukraine and Moldova, noting we understood this was not an easy decision in the face of Russian criticism. He pointed to the USG's public statements supporting the Ukrainian decision and added the USG was working with the EU to push back against Russian criticism of the border regime and to stand together with Ukraine. Yekhanurov thanked Kramer for USG support. He explained the MFA was monitoring the situation on the border closely, but Ukrainian officials were convinced they had reached the proper conclusion in implementing the new border regime.

MFA: A Battle on Three Fronts

3. (C) MFA department chief Ponomarenko told Kramer the Ukrainian government had to resolve three problems. First, the Transnistrian blockade of trade into and out of the region had to be resolved. Second, the Ukrainian government had to "win the information war" and convince the Ukrainian public of the rightness of its position toward Transnistria. Ponomarenko commented that the Ukrainian government was losing badly in the face of critical Russian statements and television footage showing lines of trucks parked at the border. Finally, the Ukrainian government faced a longer-term task of preserving the "Yushchenko plan" on Transnistria and the five-plus-two negotiation process. Transnistrian strongman Smirnov had declared that, with implementation of the customs protocol, Ukraine had sided with Moldova and lost its status as a guarantor of the Transnistrian settlement process. Ponomarenko also was concerned that the Transnistrian authorities might undertake some additional damaging action just before or during the March 26 Ukrainian parliamentary elections to weaken support for pro-government parties.

The Russia Factor

4. (C) Ponomarenko said Ukraine welcomed the wide support it enjoyed from the U.S., the European Union, the OSCE, and various European countries for the implementation of the customs protocol. Only one state, Russia, had sided with Transnistria. Ponomarenko asked for U.S. support in dealing with Russia on Transnistria, a request which, he noted, Foreign Minister Tarasyuk had also raised during his meeting

with the U.S. National Security Adviser. Romania/Moldova Department director Cornelia Luskalova, heading a GOU working group in Odesa, had recently reported to him that the Transnistrians had stopped considering Ukrainian proposals to resolve the border situation. At the moment, ten cargo trucks were backed up at one border-crossing checkpoint. The Ukrainian working group had offered to allow passage of the trucks without customs inspections simply in order to permit the renewed, free passage of traffic across the border. The Transnistrian rejection of this concessionary proposal led Ponomarenko to fear that the Transnistrian authorities were prepared to wait out the Ukrainian government until after the March 26 parliamentary elections. In this way, Ponomarenko surmised that the Transnistrians were hoping to get a reversal of the Ukrainian position after a new prime minister and cabinet were selected.

15. (C) Saying that he had not read the actual text, Ponomarenko continued that he understood the Russian Duma had recently passed a resolution on the Transnistria situation describing it as a human tragedy and an economic blockade. Ponomarenko said the language recalled earlier Duma resolutions on Kosovo. MFA was trying to persuade the Ukrainian parliament (Rada) to counter with its own resolution, but this would be tricky, since various Rada factions might be able to seize on the issue to politicize it.

16. (C) Kramer said, during his participation in numerous five-plus-two rounds, the meetings continued to consider the same agenda items with no visible progress. The Ukrainian government action was important because it disturbed the status quo. He agreed with Ponomarenko that the Transnistrians had provoked the current difficulty by imposing an economic blockade on themselves. The USG had issued a statement of support for the Ukrainian action and instructions had recently gone out to U.S. embassies, including in Moscow, to counter Russian disinformation. Kramer said he hoped Transnistrian business enterprises, a number of which had already registered with the Moldovan government, would pressure the Transnistrian authorities to lift the blockade. He assured Ponomarenko that the USG would continue its firm support for the Ukrainian action, which was an important development of the Yushchenko plan for resolution of the Transnistria issue. He said the U.S. Embassy would issue a statement (subsequently released) reporting on his visit and reiterating USG support for Ukraine's implementation of the customs protocol.

EU Support; Special Five-Plus-Two Session

17. (C) Ponomarenko said that, while welcoming the supportive statement of EU High Representative for Security and Defense Policy Javier Solana, an EU Presidency statement would be a critical sign of interest in Transnistria. He also understood that 60 percent of Transnistrian exports were destined for EU countries. The EU could take an important step by paralleling Ukrainian action and also requiring that exports from Transnistria bear Moldovan customs seals.

18. (C) Kramer said he had recently spoken with EU Special Representative for Transnistria Adriaan Jacobovitz de Szeged and would speak to him again in the near future. He would raise Ponomarenko's suggestions with Jacobovitz. In their conversation, Kramer said he and Jacobovitz had agreed to resist a Russian call to hold a special five-plus-two session to consider the customs protocol and its impact on Transnistria. They felt that, first, the customs protocol was a bilateral issue between Ukraine and Moldova and a special five-plus-two session would exaggerate its significance. Second, the appropriate customs and border security experts should consider the specifics of the protocol's implementation, and not the five-plus-two delegates. Ponomarenko agreed the customs protocol should not be "internationalized" by bringing it into a five-plus-two meeting.

Party of Regions; Kiev-Mohyla

19. (C) During Charge's March 13 dinner for Kramer, Party of Regions foreign policy adviser Leonid Kozhara said he did not believe Ukraine's implementation of the customs protocol would have any positive results. The next Transnistrian leadership election would see Smirnov cementing his hold on power with a high level of support for his rule. Thus, the long-term goal of promoting free and fair elections in Transnistria would be fruitless. Kozhara added that, according to accepted international trade practice, companies did not need special registration or permits to export their goods. In the U.S., for example, companies freely exported their products. In agreeing to the customs protocol with Moldova, Ukraine was simply acceding to Moldovan demands. He hypothesized that the Ukrainian government had agreed to do so in exchange for a Moldovan government refusal to allow the establishment of overseas polling stations in Transnistria

(where the population voted overwhelmingly in the 2004 presidential race for then-Prime Minister and Party of Regions leader Viktor Yanukovych). Kramer said Transnistria required specific measures to control what was widely recognized to be high levels of smuggling and trade in contraband. Former Foreign Minister Kostyantyn Hryshenko, a member of the Ne Tak bloc and Republican Party, said, in his view, the customs protocol implementation was the right step. Unfortunately, the issue had become politicized in campaigning for the parliamentary elections. There might have been no or little controversy if the step had been taken after the elections or, as Kramer observed, in January when originally scheduled.

10. (U) In a March 13 session with journalism graduate students and media representatives at Kiev-Mohyla Academy, Kramer expressed USG support for Ukrainian leadership in reinforcing Moldovan sovereignty and territorial integrity.

11. (U) Visit Embassy Kiev's classified website:
www.state.gov/p/eur/kiev.
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